



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

##### AMENDMENT

STATE AGENCY: Sierra Nevada Conservancy  
MULTI-COUNTY: Yolo-Solano Air Quality  
Management District

A written comment period has been established commencing on **December 12, 2008**, and closing on **January 26, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **January 26, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission ("Commission") will consider the proposed regulations at a public hearing on or after **January 15, 2009**, at 428 J Street, Sacramento, California, at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on January 13, 2009**.

### BACKGROUND/OVERVIEW

The Commission is considering changes to Regulations 18402 and 18450.3 to increase the clarity of campaign committee names.

Section 84101 of the Political Reform Act ("Act"),<sup>1</sup> requires recipient committees<sup>2</sup> to file statements of organization with the Secretary of State, and Section 84102 describes the information a recipient committee must include in its statement of organization. Specifically, Section 84102(g) states that a statement of organization shall include information as required by the rules and regulations of the Commission consistent with the purposes and provisions of Chapter 4 of the Act (Sections 84100-84511). Regulation 18402 specifies the information required to be included in committee names and the Commission is considering several changes to this regulation as described in the section on regulatory action below.

In addition to the general committee name rules, the advertisement disclosure provisions of the Act contain committee name identification rules for certain ballot

measure committees. Section 84504 of the Act requires that "[a]ny committee that supports or opposes one or more ballot measures shall name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of . . . \$50,000 or more . . . ." Regulation 18450.3 implements the committee name identification requirement.<sup>3</sup> The proposed change to this regulation would require the economic/special interest of a committee's \$50,000 donors to be listed in descending order, as summarized below.

### REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18402 — Committee Names: The proposed amendments to Regulation 18402 would, among other things:

- (1) Include the controlling candidate's name in the name of all committees controlled by a candidate.
- (2) For candidates' election committees, include the office sought and year of the election in the committee name, in addition to the candidate's last name.
- (3) Require a committee that is primarily formed to support or oppose the election of a candidate (but not controlled by a candidate) to include the last name of the candidate supported or opposed, the office sought and year of the election, and to state whether the committee supports or opposes the candidate. This provides additional disclosure in the names of independent expenditure committees supporting or opposing candidates.
- (4) Add a reference to committee name rules found in other sections of the Act and regulations.
- (5) Require committees that file electronically with the Secretary of State to include their committee identification number at the end of their name in the "committee name" field of their electronic reports. This proposed change does not apply to committees controlled by candidates for their election.

The goals of the proposed amendments to Regulation 18402 are to provide the public with more clarity as to who controls committees, which candidate, election and office a committee is formed for, and to assist the public in identifying committees whose names have changed.

Amend 2 Cal. Code Regs. § 18450.3 — Committee Name Identification. Advertisement Disclosure: The proposed amendment to Regulation 18450.3 will require the economic/special interest of \$50,000 donors

<sup>1</sup> Government Code Sections 81000-91014. Commission regulations appear at Title 2, Sections 18109-18997, of the California Code of Regulations. References to "Section" are to the Government Code, and references to "Regulation" are to Title 2 of the California Code of Regulations, unless otherwise indicated.

<sup>2</sup> Section 82013(a) defines a recipient committee as any person or combination of persons that directly or indirectly receive political contributions totaling \$1,000 or more in a calendar year.

<sup>3</sup> Regulation 18450.3 only applies to committees primarily formed to support a particular measure, not to general purpose committees.

to be listed in descending order. Listing the economic/special interest of donors in descending order of the amount of contributions they have made to the committee will improve disclosure in ballot measure committee names.

Other proposed changes to the regulation include added introductory language and language concerning disclosing the common employer of major donors which is being moved from Regulation 18402. The regulation may include provisions concerning updating the committee name.

The Commission may consider and adopt the changes summarized above or make other modifications to Regulations 18402 and 18450.3 concerning committee names.

### FISCAL IMPACT

Fiscal Impact on Local Government. This regulatory action will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulatory action will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulatory action will have no fiscal impact on the federal funding of any state program or entity.

### AUTHORITY

Sections 83112 and 83113 provide that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

### REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code Sections 84102 and 84504.

### CONTACT

Any inquiries concerning this proposal should be made to Hyla Wagner, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone: (916) 322-5660. Proposed regulatory language can be accessed at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### ADDITIONAL COMMENTS

After the hearing, the Commission may adopt, amend or repeal the regulations if they remain substantially the

same as described or as in the text originally made available to the public. The Commission may make changes to the regulations before their adoption, amendment, or repeal.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission ("Commission") will consider the proposed regulations at a public hearing on or after **January 15, 2009**, at 428 J Street, Sacramento, California, at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on January 13, 2009**.

### BACKGROUND/OVERVIEW

The Commission is considering adopting proposed Regulation 18247.5 to clarify the statutory definitions of primarily formed and general purpose committees. Primarily formed committees are defined in Section 82047.5 of the Political Reform Act ("Act").<sup>1</sup> They are committees that support a single candidate or measure, group of specific candidates being voted on in the same local election, or two or more measures being voted on in the same state or local election. General purpose committees are defined in Section 82027.5 of the Act. They are committees that support more than one candidate or measure in successive elections, such as political action committees and political party committees. Whether a committee is a state, county or city general purpose committee determines where its campaign statements are filed.

The Commission is proposing this regulation for several reasons. First, the Commission's Technical Assistance Division has for many years sought to have more specific guidance to give to committees concerning the definitions of "state," "county" and "city" general purpose committees, and for "primarily formed" versus "general purpose" committees. Committees frequently call to ask the Commission questions about whether they are a state or local committee, or what constitutes a primarily formed committee, and we do not have definitive guidance to provide them. The authority that currently governs is contained in the statutory definitions

<sup>1</sup> Government Code Sections 81000-91014. Commission regulations appear at Title 2, Sections 18109-18997, of the California Code of Regulations. References to "Section" are to the Government Code, and references to "Regulation" are to Title 2 of the California Code of Regulations, unless otherwise indicated.



themselves and the Commission's *Moll* Advice Letter, No. A-97-080, as summarized in the Commission's campaign manuals.

Second, the filing requirements of committees differ depending on what type of committee they are. For general purpose committees, it is important that they file campaign reports with the jurisdiction where they are most active — state, county, or city — because different contribution limits and additional disclosure requirements may apply. The distinction between a primarily formed and a general purpose committee is important because primarily formed committees have heightened disclosure requirements. Committees primarily formed to support a candidate or a measure are automatically required to file two preelection statements, 40 and 12 days before the election, and additional late reporting applies to these committees during the period before the election. (Sections 84200.5 and 85309.)

In addition, whether a committee is primarily formed or general purpose has consequences for ballot measure committees. The Act's advertisement disclosure provisions apply only to primarily formed ballot measure committees. These provisions require an advertisement for or against a ballot measure to list the top two donors of \$50,000 or more. (Section 84503 and Regulation 18450.1.) The name identification provisions, requiring a ballot measure committee to identify the economic or other special interest of its top \$50,000 donors, also apply only to primarily formed committees. (Section 84504 and Regulation 18450.3.)

## REGULATORY ACTION

Adopt 2 Cal. Code Regs. § 18247.5 — Primarily Formed and General Purpose Committees: Interpreting Section 82047.5, this regulation provides that a committee is considered to be "primarily formed" to support or oppose a candidate or measure (or two or more measures on the same ballot, or a group of local candidates on the same ballot) if it makes more than 70 percent of its total contributions and expenditures on behalf of the candidate or measure.

As noted above, additional reporting requirements apply to primarily formed committees that do not apply to general purpose committees. For candidate and ballot measure committees, these include automatic preelection reports, and election cycle reports and late period reports of contributions received. Primarily formed ballot measure committees are also subject to the advertisement disclosure provisions requiring them to state their top two donors of \$50,000 or more on broadcast ads, and to identify the economic or other special interest of their \$50,000 donors in their committee name. (Sections 84503 and 84504.)

For general purpose committees, the regulation interprets Section 82027.5, categorizing committees into "state," "county" or "city" level based on their expenditures on state, county or city candidates and measures. The regulation provides that if *more than half* of a committee's activity is on state candidates and measures, then the committee is a "state" general purpose committee, filing reports with the Secretary of State. Similarly, if *more than half* of a committee's activity is at the county or city level, then the committee is a "county" or "city" general purpose committee, respectively, filing with the county or city clerk.

In addition, if a general purpose committee makes \$50,000 or more in expenditures on state candidates and measures, it is categorized as a "state" committee and required to file at the state level under the regulation. The threshold requiring a committee to file electronically with the Secretary of State is reached when a committee spends \$50,000 on state candidates or measures. Adding this alternate threshold for qualifying as a "state" general purpose committee ensures that a committee active in state races will file online with the Secretary of State, and that reports of its state and local activity will be available to any member of the public. Following the statute, political party committees and their central committees, are defined as "state" general purpose committees and required to file at the state level. (Section 82027.5(b).)

Enacting this regulation will keep committees whose activity is focused on the city and county level filing at the local level. Under current advice, if a local general purpose committee makes several contributions to the State Assemblymember from the district (anything other than a de minimis contribution), that committee changes status to a "state" committee. (*Moll* Advice Letter, No. A-97-080.)

The proposed regulation requires a recipient committee to calculate periodically whether the applicable percentage of its contributions or expenditures are for a particular candidate or measure, or made in a particular jurisdiction.

## SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

## FISCAL IMPACT

Fiscal Impact on Local Government. This regulatory action will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulatory action will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulatory action will have no fiscal impact on the federal funding of any state program or entity.

#### AUTHORITY

Sections 83112 and 83113 provide that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

#### REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code Sections 82027.5 and 82047.5.

#### CONTACT

Any inquiries concerning this proposal should be made to Hyla Wagner, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone: (916) 322-5660. Proposed regulatory language can be accessed at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### TITLE 18. STATE BOARD OF EQUALIZATION

#### NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by section 15606, subdivision (a), of the Government Code, proposes to amend Regulation 1591, *Medicines and Medical Devices*, in Title 18, Division 2, Chapter 4, Articles 19 and 20 of the California Code of Regulations, relating to regulatory changes to clarify that all “permanently implanted articles” include the implant’s interdependent internal and external components, which operate together as one device, in and on the person in whom the device is implanted (including ear implants), unless the device is excluded from the definition of “medicines.”

A public hearing on the proposed regulations will be held in Room 121, 450 N Street, Sacramento, at 9:30 a.m., or as soon thereafter as the matter may be heard, on Tuesday, February 3, 2009. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory

action. The Board will consider written statements or arguments if received by February 3, 2009.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Revenue and Taxation Code (RTC) section 6369, interpreted and implemented by Regulation 1591, provides that sales of medicines furnished for the treatment of a human being are exempt from sales or use tax if they are sold or furnished under certain conditions, as described in subdivisions (a)(1) through (a)(6) of that section. The term “medicines” is defined by RTC section 6369, subdivision (c), in part, to mean and include “bone screws, bone pins, pacemakers, and other articles, other than dentures, permanently implanted in the human body to assist the functioning of any natural organ, artery, vein, or limb and which remain or dissolve in the body.”

Regulation 1591, subdivision (b)(2), provides in part and with emphasis added:

“Articles permanently implanted in the human body to assist the functioning of, as distinguished from replacing all or any part of, any natural organ, artery, vein or limb and which remain or dissolve in the body qualify as medicines. . . .”

“Permanently implanted articles include, but are not limited to, permanently implanted artificial sphincters; bone screws and bone pins, dental implant systems including dental bone screws and abutments; permanently implanted catheters; permanently implanted hydrocephalus devices and their implanted pressure regulating components; implanted defibrillators and implanted leads; pacemakers; tendon implants; testicular gel implants; and ear implants.”

The proposed amendments would amend regulation 1591(b)(2) to clarify that tax does not apply to the sale of *all* “permanently implanted articles” including an implant’s interdependent internal and external components, which operate together as one device, in and on the person in whom the device is implanted (including ear implants), unless the device is excluded from the definition of “medicines.”

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendments do not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendments and regulations will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of

the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

#### EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5, subdivision (a)(8), the Board of Equalization makes an initial determination that the adoption of the amendments to Regulation 1591 will have no significant statewide adverse economic impact directly affecting business.

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The amendments to the regulations as proposed will not be detrimental to California businesses in competing with businesses in other states.

The proposed regulations may affect small business.

#### COST IMPACT ON PRIVATE PERSON OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

#### FEDERAL REGULATIONS

Regulations 1591 and the proposed changes have no comparable federal regulations.

#### AUTHORITY

Section 7051, Revenue and Taxation Code.

#### REFERENCE

Section 6369, Revenue and Taxation Code.

#### CONTACT

Questions regarding the substance of the proposed regulation should be directed to Mr. Cary Huxsoll (916) 324-2641, at 450 N Street, Sacramento, CA 95814, e-mail [Cary.Huxsoll@boe.ca.gov](mailto:Cary.Huxsoll@boe.ca.gov) or MIC:82, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, telephone (916) 445-2130, fax (916) 324-3984, e-mail [Richard.Bennion@boe.ca.gov](mailto:Richard.Bennion@boe.ca.gov) or by mail at State Board of Equalization, Attn: Rick Bennion MIC:81, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

#### ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an initial statement of reasons and an underscored and strikeout version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's Web site <http://www.boe.ca.gov>.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's Web site following its public hearing of the proposed regulation. It will also be available for public inspection at 450 N Street, Sacramento, California.

#### ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with the law, adopt the proposed regulations if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be



mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Mr. Bennion. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

## TITLE 20. CALIFORNIA ENERGY COMMISSION

In the Matter of,

Proposed Adoption of Regulations for the Administration of the Alternative and Renewable Fuel and Vehicle Technology Program

Docket No. 08-OIR-1

### NOTICE OF STAFF MEETING

#### Notice of Proposed Action Adoption of Regulations to Allocate Funds as Established Through the Alternative and Renewable Fuel and Vehicle Technology Program

The California Energy Commission (Energy Commission) proposes to adopt new regulations to define the administration of the Alternative and Renewable Fuel and Vehicle Technology Program in line with the Energy Commission's authority under Health and Safety Code section 44270 et seq. The regulations would implement, interpret, and make specific Health and Safety Code sections 44270-44274, which were added in 2007 (Assembly Bill 118, Núñez, Chapter 750, Statutes of 2007). The proposed action is authorized under Public Resources Code sections 25213 and 25218(e) and Health and Safety Code sections 44271 and 44271.5.

### NOTICE THAT PUBLIC HEARING IS SCHEDULED

The date set for the adoption of regulations at a public hearing is:

**Wednesday, January 28, 2009  
10 a.m.**

CALIFORNIA ENERGY COMMISSION  
First Floor, Hearing Room A  
1516 Ninth Street  
Sacramento, California  
(Wheelchair Accessible)

### ORAL AND WRITTEN STATEMENTS

Interested persons wishing to comment on the proposed regulations must submit their comments in writing to the Energy Commission by January 26, 2009. All comments must be identified with "**Docket No. 08-OIR-1**" and may be submitted in one of three ways:

1) Mailing them to:

Docket Unit  
California Energy Commission  
Docket No. 08-OIR-1  
1516 9th Street, MS-4  
Sacramento, CA 95814

2) E-mailing them to: [DOCKET@energy.state.ca.us], or

3) Faxing them to Dockets at (916) 654-4354

### COPIES OF THE INITIAL STATEMENT OF REASONS AND THE TEXT

The Energy Commission has prepared an initial statement of reasons for the proposed regulations. To obtain a copy of the initial statement of reasons or the express terms of the proposed regulations, please visit the Energy Commission's website at [www.energy.ca.gov/ab118/index.html] or contact Aleecia Macias at (916) 654-4526 or by e-mail at [amacias@energy.state.ca.us].

### INTERNET ACCESS

The Energy Commission maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Energy Commission for this rulemaking, including this notice of proposed action, the text of the proposed regulations, the initial statement of reasons, and the economic and fiscal impact statement, as well as any other document in the rulemaking file, have been posted at [www.energy.ca.gov/ab118/index.html].

### COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons once it has been prepared by visiting the Energy Commission's website at [www.energy.ca.gov/ab118/index.html] or contacting Aleecia Macias at (916) 654-4526 or by e-mail at [amacias@energy.state.ca.us].

### POSSIBLE CHANGES

Changes to the proposed regulations may result from public comments, staff recommendations, or recommendations from Commissioners. Changes may also result if they improve the clarity or effectiveness of the regulations. If the Energy Commission considers changes, they will be nonsubstantial or grammatical in nature or sufficiently related to the original text as allowed by Government Code Section 11346.8. In addition a full copy of the text with all proposed changes will be available for review at least 15 days prior to the date on which the Energy Commission adopts the proposed regulations.

### PUBLIC ADVISER

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. If you want information on how to participate in this forum, please contact the Public Adviser's Office at (916) 654-4489 or toll free at (800) 822-6228, by FAX at (916) 654-4493, or by e-mail at [PublicAdviser@energy.state.ca.us].

### CONTACT PERSON

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations, should be directed to Arlene L. Ichien, Assistant Chief Counsel, at (916) 654-3959 or by email at [aichien@energy.state.ca.us].

### INFORMATIVE DIGEST

The proposed regulations would make specific the process for implementing AB 118, California Alternative and Renewable Fuel and Vehicle Technology Program, Clean Air, and Carbon Reduction Act of 2007, which was enacted in October 2007. AB 118 added sections 44270 to 44274, to the Health and Safety Code. The objective of the act is to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. In addition, the act establishes the goal of diversifying California's transportation fuels while benefiting the state's economy. The proposed regulations provide the guidance and rules for which funding, established by the act, can be distributed for appropriate projects to best meet the act's objectives.

The act requires the Energy Commission to perform a number of tasks including defining terms, establishing

sustainability goals based on full fuel-cycle assessments, ensuring funds are not provided for projects required by law, creating an advisory body, drafting of an investment plan, and screening and selecting projects.

The regulations provide clarification and details regarding the following areas: Advanced Vehicle Technology, Sustainability Goals, Funding Restrictions, Advisory Body, and the Investment Plan. The regulations are necessary to provide potential applicants with guidance on the types of projects that will be eligible for funding and to provide staff with a clear means to evaluate applications and fund those projects consistent with the act's goals and objectives.

### INCORPORATION BY REFERENCE

The proposed regulations would not incorporate any documents by reference.

### SMALL BUSINESS IMPACTS

The proposed regulations would not directly affect small businesses. No small business would be legally required to comply with the regulations nor would any small business necessarily derive a benefit or incur a detriment as a result of these regulations being adopted. The statute, coupled with the proposed regulations, creates a funding program that is voluntary. Under the proposed regulations no entity is required to apply for funding. For those businesses that do apply, there will potentially be costs associated with the application process and any reporting requirements during the life of the project.

### LOCAL MANDATE DETERMINATION

If adopted, the proposed regulations would not impose a mandate on local agencies or school districts.

### COST/SAVINGS ESTIMATE

There would be no cost or savings to any state agency as a result of the regulations being adopted. Nor would there be any cost to local agencies or school districts as a result of the regulations being adopted and, thus, no cost that is required to be reimbursed under Government Code Section 17500 et seq. There would be no cost or savings in federal funding to the state if the regulations are adopted and implemented. Further, there would be no nondiscretionary costs or savings imposed upon local agencies. Under the proposed regulations no entity is required to apply for funding.

## INITIAL DETERMINATION — STATEWIDE ECONOMIC IMPACT ON BUSINESSES

Adoption of the proposed regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based upon the following facts: (1) the proposed regulations are part of a funding program that would apply only if an entity voluntarily chooses to submit a project proposal to participate in the program; (2) the proposed regulations have no provisions that would require, mandate, or impose anything directly affecting business in the state; and (3) the potential administrative costs incurred for voluntarily applying for funding is minimal compared to the amount of funding that could be received and would only impact entities applying for funding.

Although the specific costs to small business is unknown at this time, it is assumed that small businesses will be subject to certain application costs and monitoring and reporting costs. In addition to the nominal application and sustainability compliance costs identified, some potential large projects, such as fuel production plants, may incur costs associated with California Environmental Quality Act compliance such as permitting fees and environmental impact report costs. However, these costs would most likely be incurred in the absence of the regulated program.

## COST IMPACT TO PRIVATE PERSON

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## ASSESSMENT REGARDING JOBS AND BUSINESSES

The proposed regulations establish a funding program that can award funds to applicants who voluntarily apply for funding. If awarded, the applicant would receive funds for a specific transportation-based project. The regulations would have a limited immediate direct effect on the creation or elimination of California jobs, the creation of new business, or the elimination or expansion of existing business within California.

Funded projects may produce significant indirect or long-term benefits including: (1) fuel cost savings; (2) potential reduction in the state's cost of petroleum dependence; (3) greenhouse gas reduction; (4) petroleum reduction; and (5) development of new industries with associated job creation.

## IMPACT ON HOUSING COSTS

The regulations proposed for adoption will not affect housing costs.

## CONSIDERATION OF ALTERNATIVE PROPOSALS

Before adopting the proposed amendments, the Energy Commission must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to the Energy Commission's attention would be more effective in carrying out the purpose for which the adoption is proposed or would be as effective as and less burdensome to affected private persons than the proposed adoption. To date, the Energy Commission is not aware of any alternative that would be more effective or less burdensome than the proposed regulations, given the statutory requirements and objectives of the funding program. In addition, the regulations are already narrowly tailored to provide clarification and additional program details to only certain sections of the enacted legislation.

Note: California Energy Commission's formal name is State Energy Resources Conservation and Development Commission.

## TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES

**ACTION:** Notice of Proposed Rulemaking  
Title 22, California Code of Regulations

**SUBJECT:** Out-of-State Hospital Inpatient Services  
Reimbursement, DHCS-04-006

## PUBLIC PROCEEDINGS

Notice is hereby given that the Department of Health Care Services (Department) will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Welfare and Institutions (W&I) Code Section 14124.5 authorizes the director of the Department to adopt, amend or repeal regulations as necessary and proper to carry out the purposes of and intent of the statutes governing the Medi-Cal program.

W&I Code Section 14105(a) requires the Department to adopt regulations that include the rates of reimbursement for non-contract services that the Medi-Cal

program pays for within the Medi-Cal schedule of benefits set forth in W&I Code Section 14132. W&I Code Section 14105.15(e), specifically addresses reimbursement for acute care hospital inpatient services provided by out-of-state hospitals to Medi-Cal eligible beneficiaries.

California Code of Regulations (CCR), Title 22, Section 51543 currently provides that reimbursement for Medi-Cal covered acute care hospital inpatient services provided by out-of-state hospitals are paid the current statewide average of California hospital contract rates or the hospital's actual billed charges, whichever is less. This rulemaking amends Section 51543 to provide that these services shall be reimbursed the current statewide per diem average of contract rates for California hospitals with at least 300 beds or the out-of-state hospital's actual billed charges, whichever is less.

Section 51543 is also being amended to define the term, "current" to mean the most recent average as of December 1 of the prior calendar year of the contract rates for California hospitals with at least 300 beds that the California Medical Assistance Commission (CMAC) has reported in its annual report to the Legislature. After the annual CMAC report is issued, the average reported for December 1 of the prior year will be the maximum rate effective for days of service on or after January 1 of the following calendar year.

Additionally, subsection (b) of Section 51543, which provides that an out-of-state hospital may request an administrative adjustment to the rate, is being removed because the Department has determined that it is not necessary. An administrative adjustment is no longer required since the methodology to determine the rate paid can only result in one of two options — either the "current statewide per diem average of contract rates for California hospitals with at least 300 beds or the out-of-state hospital's actual billed costs, whichever is less."

#### Judgment and Order:

- 1) Judgment pursuant to Stipulation, filed April 21, 2004, in the consolidated cases of Chandler Regional Medical Center, et al. v. California Department of Health Services; Diana M. Bontá, et al., City and County of San Francisco Case No. CGC-01-324400, and
- 2) Arizona Burn Center, et al. v. California Department of Health Services; Diana M. Bontá, et al., City and County of San Francisco Case No. CGC-02408260.

#### AUTHORITY

Section 20 Health and Safety Code; and Sections 14105, 14105.15 and 14124.5, Welfare and Institutions Code.

#### REFERENCE

Sections 14086, 14105 and 14105.15, Welfare and Institutions Code; and Chandler Regional Medical Center, et al., v. California Department of Health Services; Diana M. Bontá, et al. and Arizona Burn Center, et al., v. California Department of Health Services; Diana M. Bontá, et al. City and County of San Francisco, Case Nos. CGC-01-324400 and CGS-02-408260.

#### COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on January 30, 2009, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, Department of Health Care Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899-7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-7714; or
3. By email to [regulations@dhcs.ca.gov](mailto:regulations@dhcs.ca.gov) (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "DHCS-04-006" in the subject line to facilitate timely identification and review of the comment).

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

#### INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Charles Chan of the Safety Net Financing Division at (916) 552-9694.

All other inquiries concerning the action described in this notice may be directed to Ben Carranco of the Office of Regulations at (916) 440-7766, or to the designated backup contact person, Lynette Cordell, at (916) 650-6827.



## CONTACTS

**In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DHCS-04-006.**

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at [www.dhcs.ca.gov](http://www.dhcs.ca.gov) by clicking on the Decisions Pending and Opportunity for Public Participation link (from the left menu), then selecting the Proposed Regulations link.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email [regulations@dhcs.ca.gov](mailto:regulations@dhcs.ca.gov), or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

### FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: \$666,000. The proposed regulations are effective for dates of service on or after January 1, 2004, and reflect rate increases with a total fiscal impact of \$1,332,000, Total Funds (\$666,000, General Funds) annually. Funds were available in the 2005 Budget Act for these regulations.

- C. Fiscal Effect on Federal Funding of State Programs: \$666,000. The proposed regulations are effective for dates of service on or after January 1, 2004, and reflect rate increases with a total fiscal impact of \$1,332,000, Total Funds (\$666,000, General Funds) annually. Funds were available in the 2005 Budget Act for these regulations.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

## DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the proposed regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the proposed regulations will not affect small businesses. Provider participation in the Medi-Cal program is voluntary. These proposed regulation changes will not result in any new reporting, compliance or record keeping requirements for providers participating in the Medi-Cal program. This rate methodology will not alter the scope of Medi-Cal program benefits.

The Department has determined that the proposed regulations will not affect housing costs.



**ADDITIONAL STATEMENTS AND COMMENTS**

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Susan Pierson, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7695 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

**TITLE 23. CENTRAL VALLEY FLOOD PROTECTION BOARD****NOTICE OF PROPOSED RULEMAKING****AMENDMENTS TO TITLE 23, CA CODE OF REGULATIONS REGARDING CHANGES RELATED TO AB 5 AND TECHNICAL UPDATES****NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the Central Valley Flood Protection Board (CVFPB) proposes to amend the following Sections in Division 1, Chapter 1 of Title 23, California Code of Regulations:

- Section 1 (Authority)
- Section 3 (Intent)
- Section 4 (Definitions)
- Section 5 (Delegations)
- Section 6 (Need for a Permit)
- Section 7 (Endorsement by Local Maintaining Agency)
- Section 8 (Applications)

Section 13 (Hearings)

Section 15 (Bases for Denial of Application)

Section 112, Table 8.1 (Regulated Streams and Non-Permissible Work Periods)

Section 109 (Right of Review of Delegated Authority)

Section 120(a)(5) (Levees)

Section 193, Appendix A (Applications for Encroachment Permits)

In addition, CVFPB proposes to add the following new sections to Division 1, Chapter 1 of Title 23, California Code of Regulations:

Section 5.1 (Ex Parte Communications)

Section 13.1 (Conduct and Order of Evidentiary Hearing Proceedings)

Section 13.2 (Consent Calendar)

Section 138 (Identification of Limits of Flood Control Works)

**PUBLIC PROCEEDINGS**

A public hearing regarding this proposal is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the CVFPB may thereafter adopt the proposals substantially as described herein and in the Initial Statement of Reasons or may modify the proposals if the modifications are substantially related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to

Dan S. Fua, P.E., Supervising Engineer  
Central Valley Flood Protection Board  
3310 El Camino Ave., Room LL40  
Sacramento, CA 95821

Comments may also be submitted by facsimile (FAX) at (916) 574-0682 or by e-mail to [lpindleb@water.ca.gov](mailto:lpindleb@water.ca.gov). Comments must be submitted prior to 5:00 p.m. on January 26, 2009.

## AUTHORITY AND REFERENCE

Assembly Bill 5 (AB 5) took effect on January 1, 2008, and was codified in relevant part at Water Code sections 8521, 8550, 8551, 8578, and 8610.5. AB 5 reconstituted and renamed the Reclamation Board to the "Central Valley Flood Protection Board," imposed new ex parte rules, and mandated the Board to adopt regulations related to evidentiary hearings. In addition, the CVFPB's authorities relevant to the subject matter of the proposed regulations are generally stated in Water Code sections 8534, 8608, and 8710–8723.

Pursuant to the authority vested by Water Code sections 8571 and 8610.5, CVFPB is considering changes to Division 1 of Title 23 of the California Code of Regulations. These proposed regulations will implement, interpret, or make specific Water Code sections 8521, 8534, 8550, 8551, 8578, 8608, 8610.5, and 8710–8723.

## INFORMATIVE DIGEST

Assembly Bill 5 (AB 5) took effect on January 1, 2008, and was codified in relevant part at Water Code sections 8521, 8550, 8551, 8578, and 8610.5. Among many changes, AB 5 reconstituted and renamed the Reclamation Board to the "Central Valley Flood Protection Board." The new legislation also imposes new ex parte rules and requires the Board to hold evidentiary hearings on all matters requiring the issuance of a permit. Water Code section 8610.5(a)(1) states that "The board shall adopt regulations relating to evidentiary hearings pursuant to Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code."

Pursuant to the authority vested by Water Code sections 8571 and 8610.5, the purpose of the proposed rulemaking is to provide the regulations required by Water Code section 8610.5 regarding evidentiary hearings in accordance with Legislative intent. In addition, pursuant to authority vested by Water Code section 8571, the regulations will implement, interpret, or make specific the new legislation. The proposed rulemaking also makes several substantive and nonsubstantive changes in order to make the current regulations consistent with the new legislation.

In addition to making changes related to AB 5, the purpose of the proposed rulemaking is to update the regulations to fix typographical errors and omissions, as well as to bring the regulations into conformance with current Board procedures. CVFPB's authorities relevant to the subject matter of the proposed regulations are generally stated in Water Code sections 8534, 8608, and 8710–8723. Pursuant to the authority vested by Water Code section 8571, CVFPB proposes changes to Di-

vision 1 of Title 23 of the California Code of Regulations. These proposed regulations will implement, interpret, or make specific Water Code sections 8534, 8608, and 8710–8723.

## EFFECT ON SMALL BUSINESSES

The proposed regulatory action will not affect small businesses because the proposed regulations primarily clarify new laws imposed on the CVFPB and fix typographic errors.

## IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. No nondiscretionary costs or savings to local agencies or school districts are anticipated to result from the proposed regulatory action.

## COSTS OR SAVINGS TO STATE AGENCIES

No savings or increased costs to State agencies are anticipated.

## EFFECT ON FEDERAL FUNDING TO THE STATE

No effect on federal funding to the State is anticipated.

## EFFECT ON HOUSING COSTS

No effect on housing costs is anticipated.

## SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

CVFPB has made an initial determination that the adoption of these regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations primarily clarify new laws imposed on the CVFPB and fix typographic errors. Two of the proposed regulations (Sections 120(a)(5) and 138) are related to easements and give the Board the ability to create greater flood protection, and arguably protect businesses in those areas.

**IMPACT ON THE CREATION, ELIMINATION,  
OR EXPANSION OF JOBS/BUSINESSES**

CVFPB has determined that the regulatory proposal will not have any impact on the creation or elimination of jobs, the creation of new businesses, or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

**COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), CVFPB must determine that no reasonable alternative considered by CVFPB, or that has otherwise been identified and brought to the attention of CVFPB, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS**

CVFPB has prepared and has available for public review an Initial Statement of Reasons for the proposed regulations, all the critical information upon which the regulation is based, and the text of the proposed regulations. A copy of the Initial Statement of Reasons and a copy of the proposed text are available upon request from Lorraine Pendlebury at the e-mail address listed above, or by calling (916) 574-0609. These documents are posted at CVFPB's website at [www.cvfpb.ca.gov](http://www.cvfpb.ca.gov).

**CONTACT PERSONS**

Inquiries concerning the proposed regulations may be directed to:

Dan S. Fua, P.E., Supervising Engineer  
Central Valley Flood Protection Board  
3310 El Camino Ave., Room LL40  
Sacramento, CA 95821  
Tel: (916) 574-0698  
[dfua@water.ca.gov](mailto:dfua@water.ca.gov)

Lorraine Pendlebury  
Central Valley Flood Protection Board  
3310 El Camino Ave., Room LL40  
Sacramento, CA 95821  
Tel: (916) 574-0609  
[lpendleb@water.ca.gov](mailto:lpendleb@water.ca.gov)

**FINAL STATEMENT OF REASONS**

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Lorraine Pendlebury at the e-mail address and telephone number indicated above. The Final Statement of Reasons will also be available at the CVFPB's website at [www.cvfpb.ca.gov](http://www.cvfpb.ca.gov).

**RULEMAKING PETITION  
DECISION**

**DEPARTMENT OF TOXIC SUBSTANCES  
CONTROL**

November 21, 2008

Mr. Phillip B. Chandler  
2615 Marquette Drive  
Topanga, California 90290

PETITION GRANTED: RESPONSE TO PETITION  
FOR REVIEW OF CALIFORNIA CODE OF  
REGULATIONS, TITLE 22, SECTIONS 66264.101  
AND 66265.101 (GOV. CODE, §11340.7)

Dear Mr. Chandler:

As always, I appreciate your dedication to improving the way the Department of Toxic Substances Control (DTSC) delivers its mission, and for bringing forward this petition to raise these important issues regarding groundwater protection. The concerns you raise in your petition echo many of the themes that have been raised by others, including the Legislative Analyst's Office.

Your petition advocates for a particular change to the financial assurance requirements for corrective action activities. Our legal office has been working on a substantial rulemaking package which would achieve greater protection for groundwater and reduce the burden of long term stewardship of hazardous waste landfills on future taxpayers in California. We anticipate release of these draft regulations in December.

Currently, the draft regulations include provisions that would strengthen the financial test for businesses. This would include: (1) increase the minimum net worth from \$10 to \$20 million; (2) require disclosure of all environmental obligations; (3) enhance the bond rat-

ing test to include the most recent unsecured debt; and (4) increase the financial assurance mechanism to cover a greater percentage of the cost estimate. The draft regulations would also strengthen the use of captive insurance by requiring that captive insurers be licensed by the California Department of Insurance. Lastly, and perhaps most significantly, the draft regulations will lengthen the term of the post-closure period to ensure that the generator of hazardous waste pays for its long term stewardship and not future taxpayers.

The draft regulations will also include your particular recommendation. We agree with you that financial assurance should be required at the earliest possible time when sufficient facts are available to make a reasonable determination of the amount of assurance required. You have suggested that this time is at the time the corrective action process commences, not after remedy selection.

Historically, as you know, DTSC determines and applies financial assurances at the time of remedy selection, because it is only at this point that leaking and environmental harm is known and can be quantified. However, our current regulations allow flexibility for how and when a determination shall be made, and every effort should be made to closely evaluate the factual situation with the objective of requiring financial assurance at the earliest possible point. For instance, moving the requirement earlier could happen when DTSC and responsible parties enter into an enforceable agreement or the issuance of a post closure permit. Therefore, we will include a requirement that DTSC review whether financial assurances can be applied at the time the corrective action process commences.

Your petition highlights one of the key motivating principles behind DTSC's Green Chemistry Initiative, which is that hazardous waste never leaves us, landfills fail and there is no "away" when we throw away waste. These landfills become dependent upon the care and monitoring of future generations, and they create billions of dollars of state liabilities; Stringfellow, Casmalia and BKK to name a few. Moreover, landfill failure has the potential to contaminate groundwater, a critical resource. DTSC's Green Chemistry Initiative is exploring alternatives intended to steer us away from cradle to grave management to a new cradle to cradle approach to design products and production processes that do not require end of life management, and protect public health and the environment by design.

For the reasons stated above, DTSC is approving your petition.

Pursuant to Government Code section 11340.7, subdivision (d), this decision will be transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register at the earliest

practicable date. Interested persons may obtain a copy of the petition from DTSC by contacting Ms. Nicole Sotak at (916) 327-4508 or at [nsotak@dtsc.ca.gov](mailto:nsotak@dtsc.ca.gov).

Thank you again for your dedication to DTSC's mission of protecting public health and the environment.

Sincerely,

/s/

Maureen F. Gorsen  
Director

cc: The Honorable Sheila Kuehl  
State Senator  
State Capitol, Room 4032  
P.O. Box 942849  
Sacramento, California 95814

The Honorable Julia Brownley  
Assembly Member  
State Capitol  
P.O. Box 942849  
Sacramento, California 95814

Mr. Watson Gin  
Chief Engineer  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

Ms. Elizabeth Yelland  
Chief Counsel  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

Ms. Nicole Sotak  
Office of Legislative and Regulatory Policy  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

Mr. Keith Kihara  
Supervising Hazardous Scientist  
Office of Enforcement  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826

Mr. James Grace  
Senior Legal Counsel  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826



## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-1016-02

AIR RESOURCES BOARD

Greenhouse Gas Reporting Requirements

This regulatory action adopts provisions for the mandatory reporting of greenhouse gas emissions pursuant to the California Global Warming Solutions Act of 2006.

Title 17

California Code of Regulations

ADOPT: 95100, 95101, 95102, 95103, 95104, 95105, 95106, 95107, 95108, 95109, 95110, 95111, 95112, 95113, 95114, 95115, 95125, 95130, 95131, 95132, 95133

Filed 12/02/2008

Effective 01/01/2009

Agency Contact: Amy Whiting (916) 322-6533

File# 2008-1017-04

AIR RESOURCES BOARD

Diesel Aux. Engines on Ocean-Going Vessels

This action adopts limits upon the use of diesel auxiliary engines onboard container ships, refrigerated ships, and cruise ships while in port and tied to berth in order to reduce the formation of particulate matter, nitrogen oxides, smog and carbon dioxide.

Title 13, 17

California Code of Regulations

AMEND: 2299.3, 93118.3

Filed 12/03/2008

Effective 01/02/2009

Agency Contact: Trini Balcazar (916) 445-9564

File# 2008-1016-04

AIR RESOURCES BOARD

Heavy Duty Diesel In-Use Compliance Regulation

This regulatory action amends California's heavy-duty diesel engines (HDDE) test procedures by modifying the measurement allowances for the regulated gaseous pollutants during heavy-duty diesel in-use compliance testing while using Portable Emission Measurement Systems (PEMS). The amendments include modifications to the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," which is incorporated by reference. These amendments are identical to federal in-use test protocols for testing 2007 and newer HDDE with PEMS.

Title 13

California Code of Regulations

AMEND: 1956.8

Filed 12/01/2008

Effective 12/31/2008

Agency Contact: Trini Balcazar (916) 445-9564

File# 2008-1022-02

BOARD OF EQUALIZATION

Electronic Scanning Methods

This rulemaking repeals portions of title 18 California Code of Regulations section 1602.5 which have become obsolete or which were not mandatory. The rulemaking repeals the rule that required grocers to notify the Board if they chose to use electronic scanning as the method for determining the amount of sales of sales-tax-exempt food items and to submit outlines of the procedures which the grocers proposed to use to the Board for review and approval. The rulemaking also repeals the rule which urged but did not require grocers to notify the Board if they used either the modified-purchase-ratio method or the cost-plus-markup method of computing sales of tax-exempt merchandise.

Title 18

California Code of Regulations

AMEND: 1602.5

Filed 12/01/2008

Effective 12/31/2008

Agency Contact: Richard Bennion (916) 445-2130

File# 2008-1015-03

BOARD OF FORESTRY AND FIRE PROTECTION

Utility Clearing Exemption Extension, 2008

The California State Board of Forestry and Fire Protection (Board) amends Title 14 of the California Code of Regulations section 1257 to extend an exemption for utility vegetation clearing requirements in section 1257(a)(3) from December 31, 2008 to December 31, 2009.



Title 14  
California Code of Regulations  
AMEND: 1257  
Filed 11/26/2008  
Effective 12/26/2008  
Agency Contact:  
Christopher Zimny (916) 653-9418

File# 2008-1023-03  
**COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING**  
Training and Testing Specifications for Peace Officer  
Basic Courses

POST proposes to amend a document incorporated by reference, Training and Testing Specifications for Peace Officer Basic Courses, to implement standardized skills testing and standardized skills forms and make additional updates to the curriculum as part of POST's ongoing review of training curriculum. The changes to the document will allow the presenters to create their own curriculum within the standards POST requires to conform to local needs. Additional changes are made to three regulations reflecting a new revision date.

Title 11  
California Code of Regulations  
AMEND: 1005, 1007, 1008  
Filed 12/02/2008  
Effective 01/01/2009  
Agency Contact: Julie Hemphill (916) 227-0544

File# 2008-1014-02  
**CORRECTIONS STANDARDS AUTHORITY**  
2007 Local Jail Construction Funding

This action is the Certificate of Compliance rulemaking making permanent the prior emergency regulations implementing the 2007 Local Jail Construction Program authorized by A.B. 900 (Stats. 2007, Chap. 7).

Title 15  
California Code of Regulations  
ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792  
Filed 11/26/2008  
Agency Contact:  
Charlene Aboytes (916) 324-1914

File# 2008-1125-04  
**DEPARTMENT OF FOOD AND AGRICULTURE**  
Mediterranean Fruit Fly Interior Quarantine

This emergency regulatory action establishes a quarantine area of approximately 107 square miles sur-

rounding the Mediterranean fruit fly infestation in the El Cajon area of San Diego County.

Title 3  
California Code of Regulations  
AMEND: 3406(b)  
Filed 11/26/2008  
Effective 11/26/2008  
Agency Contact:  
Stephen S. Brown (916) 654-1017

File# 2008-1023-02  
**DEPARTMENT OF INSURANCE**  
Amend 10 CCR 2652.1

Non-substantive action updates 10 CCR 2652.1 form and size requirements of pleadings for DOI rate proceedings for consistency with related, incorporated Rules of Court sections, which were amended and re-numbered in 2007.

Title 10  
California Code of Regulations  
AMEND: 2652.1  
Filed 12/02/2008  
Agency Contact:  
Camilo P. Pizarro (916) 492-3595

File# 2008-1015-02  
**DEPARTMENT OF TRANSPORTATION**  
Mass Transportation

This rulemaking conforms title 21 of the California Code of Regulations, section 6633.2, to amended Public Utilities Code Section 99268.17 by amending the regulation to allow local transit operators to deduct from operating expenses the cost of providing Americans With Disabilities Act compliant paratransit services only to the extent that such costs exceed the operator's prior year expenses for such services as adjusted by the Consumer Price Index. The rulemaking also amends the regulation to delete obsolete language which allowed local transit operators to deduct from operating expenses amounts paid to satisfy liability claims.

Title 21  
California Code of Regulations  
AMEND: 6633.2  
Filed 11/26/2008  
Effective 12/26/2008  
Agency Contact: Gordon Arruda (916) 654-9396

File# 2008-1020-01  
**OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD**  
Updating National Consensus Standards for Insulating  
Protective Equipment

This regulatory action makes clarifying and technical changes to update standards in the High Voltage Electri-

cal Safety Orders. These provisions refer to a number of American Society for Testing Material (ASTM) national consensus standard specifications for protective insulating equipment.

Title 8  
California Code of Regulations  
AMEND: 2940.6, Appendix C  
Filed 12/02/2008  
Effective 01/01/2009  
Agency Contact: Marley Hart (916) 274-5721

File# 2008-1022-05  
OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD  
Suspended Scaffolds — General

This is a nonsubstantive, editorial action correcting the internal cross-reference to the proper subsection dealing with the "Respiratory Protection Program."

Title 8  
California Code of Regulations  
AMEND: 5198(f)(2)(A)  
Filed 12/01/2008  
Agency Contact: Marley Hart (916) 274-5721

File# 2008-1024-01  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
Specific Regulatory Levels: Chemicals Causing Reproductive Toxicity — MADL for DnHP

The Office of Environmental Health Hazard Assessment has established by regulation the level at which exposure to specified chemicals has no observable effect for purposes of Proposition 65 of 1986 (Health and Safety Code sections 25249.5 et seq.), which requires the state to formally identify chemicals known to the state to cause cancer or reproductive toxicity. This action adds the chemical Di-n-hexyl phthalate to the list of chemicals specified, and sets the exposure level for Di-n-hexyl phthalate at 2,200 micrograms per day (oral).

Title 27  
California Code of Regulations  
AMEND: 25805(b)  
Filed 12/02/2008  
Effective 01/01/2009  
Agency Contact: Susan Luong (916) 327-3015

File# 2008-1027-01  
STATE WATER RESOURCES CONTROL BOARD  
BPA to revise water quality objectives for pH and turbidity

The California Regional Water Quality Control Board — Central Valley Region, with the approval of

the State Water Resources Control Board, has amended the water quality control plan for the Sacramento River and San Joaquin River Basins to revise water quality objectives for pH and turbidity. Specifically, language related to fluctuations in the normal ambient pH levels is being deleted, as well as a site specific requirement for Deer Creek. Additionally, restriction on the increase of turbidity when natural turbidity is between 0 and 5 Nephelometric Turbidity Units is deleted and replaced with two new standards.

Title 23  
California Code of Regulations  
ADOPT: 3949.6  
Filed 12/01/2008  
Effective 12/01/2008  
Agency Contact: Mitchell Goode (916) 341-5726

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN July 2, 2008 TO  
December 3, 2008**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

11/03/08 AMEND: 647.1, 647.2, 647.3, 647.20, 647.20.1, 647.21, 647.22, 647.23, 647.24, 647.25, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.36, 648.1, 648.3, 648.5, 649.20, 649.21  
10/31/08 AMEND: 18545, 18703.4, 18730, 18940.2, 18942.1, 18943  
10/31/08 ADOPT: 18402.1 AMEND: 18427  
10/22/08 ADOPT: 59600  
10/21/08 ADOPT: 1859.41.1, 1859.42.1 AMEND: 1859.2, 1859.41, 1859.42, 1859.43, 1859.51, 1859.147, Form SAB 50-01, Form SAB 50-03  
10/20/08 ADOPT: 20120, 20121, 20122, 20123, 20124, 20125, 20126, 20127  
09/04/08 ADOPT: 18530.45  
09/04/08 AMEND: 18946.4  
08/14/08 AMEND: 1859.2, 1859.121, 1859.122, 1859.127, 1859.129  
08/08/08 ADOPT: 21905.5 AMEND: 21903, 21905  
07/16/08 ADOPT: 18946.6  
07/10/08 AMEND: 1859.76, 1859.83, 1859.104.3

07/10/08	AMEND: 1859.71	8090, 8091, 8092, 8093, 8094, 8095,
07/08/08	AMEND: 2271	8096, 8097, 8098, 8099, 8100, 8101
<b>Title 3</b>		11/17/08 AMEND: 1505
11/26/08	AMEND: 3406(b)	10/30/08 AMEND: 1606
11/20/08	ADOPT: 6400	10/16/08 ADOPT: 12047, 12048, 12050, 12348
11/12/08	AMEND: 3591.5(a)	AMEND: 12002
11/12/08	AMEND: 3434(b)	10/03/08 ADOPT: 12008 AMEND: 12122,
11/07/08	AMEND: 3433(b)	12200.14, 12200.20, 12202, 12203A,
10/30/08	ADOPT: 1430.142 AMEND: 1430.43	12203.2, 12205.1, 12218.13, 12220.14,
	REPEAL: 1430.44.5	12220.20, 12220.20A, 12222, 12237,
10/29/08	AMEND: 3435(b)	12301, 12342, 12343, 12344, 12345
10/28/08	ADOPT: 3408	09/29/08 AMEND: 1843.2
10/22/08	AMEND: 3700(c)	09/02/08 AMEND: 1850
10/20/08	AMEND: 3433(b)	08/25/08 ADOPT: 8102, 8102.1, 8102.2, 8102.3,
10/20/08	AMEND: 3434(b)	8102.4, 8102.5, 8102.6, 8102.7, 8102.8,
10/17/08	AMEND: 3423(b)	8102.9, 8102.10, 8102.11, 8102.12,
10/15/08	AMEND: 3433(b)	8102.13, 8102.14, 8102.15 AMEND:
10/14/08	AMEND: 3434(b)	8090, 8091, 8092, 8093, 8094, 8095,
10/14/08	AMEND: 3423(b)	8096, 8097, 8098, 8099, 8100, 8101
10/01/08	AMEND: 3434(b)	08/21/08 ADOPT: 1634 AMEND: 1420
09/24/08	AMEND: 810.1 REPEAL: 810	08/12/08 ADOPT: 4180, 4181
09/23/08	AMEND: 3591.20(a)	08/08/08 AMEND: 12002, 12100, 12101, 12120,
09/23/08	AMEND: 3434(b)	12122, 12128, 12130, 12140, 12200,
09/18/08	AMEND: 3591.20(a)	12200.3, 12200.7, 12200.9, 12200.10A,
09/17/08	AMEND: 3435(b)	12200.10B, 12200.10C, 12200.11,
09/11/08	AMEND: 3591.20(a)	12200.13, 12200.14, 12200.16,
09/10/08	AMEND: 3434	12200.17, 12200.18, 12200.20,
09/05/08	ADOPT: 3435	12200.21, 12201, 12202, 12203,
09/03/08	AMEND: 6452.2	12203A, 12203.1, 12203.2, 12203.3,
09/02/08	AMEND: 3433(b)	12203.5, 12204, 12205, 12205.1, 12218,
09/02/08	AMEND: 3591.6(a)	12218.1, 12218.5, 12218.7, 12218.11,
08/26/08	AMEND: 3434(b)	12220, 12220.3, 12220.13, 12220.14,
08/25/08	AMEND: 3423(b)	12220.16, 12220.18, 12220.20,
08/18/08	AMEND: 6738, 6739	12220.20A, 12220.21, 12220.23, 12221,
08/18/08	AMEND: 3434(b)	12222, 12223, 12224, 12225, 12225.1,
08/13/08	AMEND: 3434(b)	12233, 12234, 12235, 12236, 12300,
08/12/08	AMEND: 3406(b)	12301, 12301.1, 12302, 12303, 12304,
08/11/08	AMEND: 3406(b)	12305, 12306, 12308, 12309, 12310,
08/01/08	AMEND: 3589(a)	12335, 12341, 12342, 12343, 12344,
08/01/08	ADOPT: 3591.22	12345, 12347, 12358, 12359, 12360,
07/28/08	AMEND: 3434(b)	12370, 12400, 12401, 12402, 12403,
07/25/08	AMEND: 902.9	12404, 12405, 12460, 12463, 12464,
07/24/08	ADOPT: 3591.21	12466, 12550, 12552, 12554, 12556,
07/22/08	AMEND: 3417(b)	12558, 12560, 12562, 12564, 12566,
07/16/08	AMEND: 3700	12568, 12590
07/16/08	AMEND: 3406	08/04/08 AMEND: 1843.2
07/14/08	AMEND: 3963	07/14/08 AMEND: 8070, 8072, 8073
07/11/08	AMEND: 3434(b)	07/10/08 AMEND: 1481, 1783, 1784
07/09/08	AMEND: 3434(b)	
<b>Title 4</b>		<b>Title 5</b>
11/24/08	ADOPT: 8102, 8102.1, 8102.2, 8102.3,	11/06/08 AMEND: 42723
	8102.4, 8102.5, 8102.6, 8102.7, 8102.8,	10/17/08 ADOPT: 100000, 100001, 100002,
	8102.9, 8102.10, 8102.11, 8102.12,	100003, 100004, 100005, 100006,
	8102.13, 8102.14, 8102.15 AMEND:	100007, 100008, 100009, 100010,

100011, 100012, 100013, 100014,  
100015  
10/14/08 ADOPT: 42729  
09/10/08 AMEND: 41000  
09/09/08 ADOPT: 19828.3, 19837.2 AMEND:  
19816, 19816.1, 19828.2, 19837.1,  
19846  
08/11/08 AMEND: 41000  
08/04/08 ADOPT: 15575, 15576, 15577, 15578  
07/16/08 AMEND: 18272

**Title 8**

12/02/08 AMEND: 2940.6, Appendix C  
12/01/08 AMEND: 5198(f)(2)(A)  
11/19/08 AMEND: 1658(p)  
11/17/08 ADOPT: 10116, 10116.1, 10116.2,  
10116.3, 10116.5, 10116.6, 10116.7,  
10116.8 AMEND: 10123.1 renumbered  
to 10116.4, 10001 renumbered to  
10116.9, 10002 renumbered to 10117,  
10003 renumbered to 10118, 10004  
renumbered to 10119, 10005 renumbered  
to 10120, 10123, 10127, 10127.1, 10128,  
10133.13, 10133.14, 10133.16,  
10133.22, 10133.53, 10133.54,  
10133.55, 10133.56, 10133.57, 10133.58  
REPEAL: 10133.3, 10133.50  
11/17/08 ADOPT: 10210, 10211, 10212, 10213,  
10214, 10215, 10216, 10217, 10218,  
10222, 10223, 10225, 10227, 10228,  
10229, 10230, 10232, 10232.1, 10232.2,  
10233, 10236, 10240, 10241, 10243,  
10244, 10245, 10246, 10250, 10250.1,  
10251, 10253, 10253.1, 10254, 10256,  
10260, 10270, 10271, 10272, 10273,  
10275, 10280, 10281, 10290, 10291,  
10293, 10294, 10294.5, 10295, 10296,  
10297 AMEND: 10252, 10252.1  
REPEAL: 10250  
11/17/08 ADOPT: 10150.1, 10150.2, 10150.3,  
10150.4, 10151, 10151.1, 10166.1  
AMEND: 10150, 10160, 10160.1,  
10160.5, 10161, 10161.1, 10162, 10164,  
10165, 10166, 10167 REPEAL: 10168  
11/17/08 ADOPT: 10397, 10403, 10409, 10508,  
10550, 10593, 10603, 10629, 10770.5,  
10770.6, 10782, 10785, 10844, 10845  
AMEND: 10301, 10302, 10324, 10346,  
10400, 10410, 10411, 10412, 10450,  
10500, 10505, 10507, 10510, 10541,  
10561, 10589, 10608, 10616, 10626,  
10750, 10751, 10753, 10754, 10755,  
10770, 10779, 10840, 10842, 10843,  
10846, 10848, 10850, 10860, 10865,  
10866, 10946, 10950, 10953 REPEAL:

10306, 10308, 10347, 10390, 10391,  
10392, 10395, 10396, 10414, 10415,  
10416, 10417, 10514, 10520, 10548,  
10555, 10563, 10590, 10591, 10592,  
10610, 10630, 10758, 10762, 10771,  
10867, 10890, 10952, 10955, 10957,  
10995, 10996  
11/12/08 AMEND: 15600, 15601, 15602, 15603,  
15604, 15605, 15606, 15607, 15611  
11/06/08 AMEND: 2540.8, 2540.9, 2548.23,  
2719, 2740, 2741, 2880, 2980  
10/01/08 AMEND: 3412, 3413, 3414, 3416  
09/23/08 AMEND: 5155  
09/22/08 ADOPT: 1530.1  
09/17/08 AMEND: 1512  
08/26/08 AMEND: 5168, 6775  
08/25/08 ADOPT: 9721.11, 9721.12, 9721.13,  
9721.14, 9721.21, 9721.33 AMEND:  
9720.1, 9720.2, 9721.1, 9721.2, 9721.31,  
9721.32, 9722, 9722.1, 9722.2, 9723  
08/08/08 AMEND: 1532.1  
08/04/08 AMEND: 3649  
08/04/08 AMEND: Appendix C following section  
560, Appendices A, B, and C following  
section 1938, and section 5001  
07/30/08 AMEND: 1524  
07/18/08 AMEND: 290.0, 290.1, 291.0, 291.1,  
291.2, 291.5, 292.0, 294.0, 295.0, 296.0,  
296.1, 296.2, 296.3, 296.4  
07/18/08 AMEND: 2500.7  
07/17/08 AMEND: 4885, 4924, 5004  
07/17/08 AMEND: 1604.24, 1604.26  
07/14/08 AMEND: Appendix B following 1541.1

**Title 9**

11/18/08 ADOPT: 9550  
07/11/08 ADOPT: 1810.207.5, 1810.220.5  
AMEND: 1830.220  
07/02/08 AMEND: 9515(d), 10522(b)

**Title 10**

12/02/08 AMEND: 2652.1  
11/12/08 AMEND: 2498.4.9  
11/12/08 AMEND: 2498.4.9  
11/07/08 AMEND: 2498.5  
11/03/08 AMEND: 2498.5  
09/22/08 AMEND: 2699.6500, 2699.6803,  
2699.6805  
09/15/08 AMEND: 2699.6619, 2699.6700,  
2699.6703, 2699.6705, 2699.6709,  
2699.6711, 2699.6713, 2699.6715,  
2699.6717, 2699.6721, 2699.6723,  
2699.6725  
09/11/08 AMEND: 2330.1  
08/15/08 ADOPT: 2844 AMEND: 2840, 2842



08/14/08	AMEND: 2699.100, 2699.201, 2699.205, 2699.207, 2699.209, 2699.400	<b>Title 13, 17</b>	12/03/08	AMEND: 2299.3, 93118.3
08/04/08	AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119		10/20/08	ADOPT: 2299.5, 93118.5
07/30/08	AMEND: 2498.6		07/02/08	AMEND: 2299.1, 93118
07/24/08	AMEND: 2498.4.9	<b>Title 14</b>	11/26/08	AMEND: 1257
07/23/08	AMEND: 2498.4.9		11/24/08	AMEND: 749.3
07/23/08	AMEND: 2498.4.9		11/13/08	ADOPT: 18660.40
07/21/08	ADOPT: 2330.1, 2330.3, 2330.4, 2330.5		11/07/08	AMEND: 895.1, 919.9, 939.9
07/17/08	AMEND: 2498.6		11/07/08	AMEND: 1038(i)
07/10/08	REPEAL: 2191		11/07/08	AMEND: 895.1, 898, 914.8, 916, 916.2, 916.9, 916.11, 916.12, 923.3, 923.9, 934.8, 936, 936.2, 936.9, 936.11, 936.12, 943.3, 943.9, 954.8, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963
07/10/08	AMEND: 2699.6611		10/30/08	AMEND: 29.85
07/07/08	ADOPT: 2699.6602, 2699.6604		10/23/08	AMEND: 163, 164
	AMEND: 2699.6603, 2699.6605, 2699.6607, 2699.6608, 2699.6611, 2699.6625		10/22/08	AMEND: 1052.4
<b>Title 11</b>			10/21/08	AMEND: 15387 Appendix C
12/02/08	AMEND: 1005, 1007, 1008		10/09/08	AMEND: 791, 791.7, 795
11/07/08	AMEND: 1005, 1081		09/22/08	AMEND: 4900 REPEAL: 4901, 4902, 4903, 4904
10/27/08	AMEND: 1005, 1007, 1008, 1052		09/15/08	AMEND: 502
10/16/08	AMEND: 1081		09/11/08	AMEND: 10310, 10360, 10810, 10820, Appendix D, Appendix F
10/14/08	AMEND: 1005		09/09/08	ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5, 17987.6
10/02/08	AMEND: 1003, 9040, 9041, 9073(b)		09/04/08	AMEND: 670.2
10/02/08	AMEND: 1081		08/27/08	AMEND: 300
09/23/08	ADOPT: 44.3		08/25/08	ADOPT: 27.32 AMEND: 27.20(f), 27.25, 27.30, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58
07/08/08	ADOPT: 30.14		08/18/08	AMEND: 749.3
<b>Title 13</b>			08/14/08	ADOPT: 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965
12/01/08	AMEND: 1956.8		08/12/08	ADOPT: 124
11/24/08	ADOPT: 2027		08/11/08	AMEND: 503
11/03/08	AMEND: 25.06, 25.07, 25.08, 25.09, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22		08/06/08	AMEND: 815.05, 818.02, 825.05, 827.02
10/20/08	ADOPT: 346.00, 346.02, 346.04, 346.06, 346.08, 346.10, 346.12, 346.14, 346.16		07/28/08	AMEND: 702
10/07/08	AMEND: 935		07/23/08	AMEND: 7.50
10/02/08	AMEND: 423.00		07/15/08	ADOPT: 4860
10/02/08	AMEND: 15.00, 15.03		07/08/08	ADOPT: 124.1 AMEND: 122, 125, 149.1, 150, 150.02, 150.03, 150.05, 163, 163.5, 164, 174, 180.3
09/08/08	AMEND: 2449		07/02/08	AMEND: 7.50
08/29/08	ADOPT: 2260(a)(0.5), 2260(a)(0.7), 2260(a)(6.9), 2260(a)(7.5), 2260(a)(8.5), 2260(a)(10.5), 2260(a)(10.7), 2260(a)(19.7), 2260(a)(19.8), 2260(a)(23.5), 2260(a)(23.7), 2260(a)(37), 2260(a)(38), 2260(a)(39), 2262.3(d), 2264.2(a)(3), 2264.2(b)(5), 2264.2(d), 2265(c)(4), 2265.1, 2265.5, 2266(b)(3), 2266(b)(4), 2266(b)(5) AMEND: 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.9, 2263, 2263.7, 2264.2, 2265, 2266, 2266.5, 2270, 2271, 2273	<b>Title 15</b>	11/26/08	ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756,
08/13/08	ADOPT: 619.2 AMEND: 615, 615.1, 616, 617, 618, 619, 619.1			
07/15/08	AMEND: 440.04			



1757, 1760, 1766, 1767, 1768, 1770,  
1772, 1776, 1778, 1788, 1790, 1792  
10/30/08 AMEND: 3000, 3375, 3376.1, 3379  
10/28/08 ADOPT: 3999.7  
10/23/08 ADOPT: 1417 AMEND: 1029, 1206,  
1248, 1357, 1358, 1461  
10/15/08 ADOPT: 3999.6  
09/15/08 ADOPT: 3269  
09/03/08 AMEND: 2253  
08/29/08 AMEND: 3000, 3261.1, 3261.2, 3261.4,  
3261.5, 3261.7, 3267  
08/04/08 AMEND: 2041  
08/04/08 AMEND: 3000, 3005, 3006, 3008, 3009,  
3011, 3012, 3013, 3015, 3016, 3290,  
3310, 3313, 3314, 3315, 3317, 3318,  
3320, 3323, 3327, 3328  
07/30/08 ADOPT: 3503, 3505, 3506, 3507, 3508,  
3509, 3510, 3511, new Article 2 and title,  
3520, 3521, 3521.1, 3521.2, 3521.3,  
3521.4, 3521.5, 3521.6, 3522, 3523,  
3524, 3525, 3526, 3527, new Article 3  
and title, 3540, 3541, 3542, 3543, 3544,  
3545, 3546, 3547, 3548, 3549, new  
Article 4 and title, 3560, 3561, 3562,  
3563, 3564, new Article 5 and title, 3570,  
3571, new Article 6 and title, 3580,  
3581, 3582, new Article 7 and title, new  
Article 8 and title, new Article 9 and title,  
new Article 10 and title, new Article 12  
and title, 3640, new Article 13 and title,  
3650, 3651, 3652, 3652.1, 3653, 3654,  
new Article 14 and title, 3700, 3701,  
3702, 3703, 3704, 3705, 3706, 3707, new  
Article 15 and title, 3720, 3721, 3721.1,  
3722, 3723, new Article 16 untitled,  
3730, new Article 17 and title, new  
Article 18 and title, 3750, 3751, 3752,  
3753, 3754, 3755, 3756, new Article 19  
and title, 3760, 3761, 3762, 3763, 3764,  
3765, 3766, new Article 20 and title,  
3770, 3771, and 3772. AMEND: 3604,  
3605, 3605.5, 3701.1, 3705, 3706, 3801,  
3802, renumber old Article 2 with title,  
and 3815.  
07/17/08 ADOPT: 3134.1 AMEND: 3130, 3131,  
3132, 3133, 3134, 3135, 3136, 3137,  
3138, 3139, 3140, 3141, 3142, 3143,  
3144, 3145, 3146, 3147  
07/14/08 ADOPT: 1700, 1706, 1712, 1714, 1730,  
1731, 1740, 1747, 1747.5, 1748, 1749,  
1750, 1751, 1752, 1753, 1754, 1756,  
1757, 1760, 1766, 1767, 1768, 1770,  
1772, 1776, 1778, 1788, 1790, 1792  
07/08/08 ADOPT: 3334 AMEND: 3000

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11/24/08 AMEND: 1419, 1419.1, 1419.3  
10/30/08 AMEND: 1399.571  
10/17/08 ADOPT: 1399.610, 1399.612 AMEND:  
1399.502  
10/07/08 AMEND: 832.47  
10/02/08 AMEND: 3351.2  
09/29/08 AMEND: 2522, 2524, 2579, 2579.10  
REPEAL: 2522.5, 2579.1  
09/22/08 AMEND: 4154, 4155  
09/19/08 AMEND: 11.5, 12, 12.5, 37, 87.1  
09/10/08 ADOPT: 1028.2, 1028.3, 1028.4, 1028.5  
AMEND: 1021  
08/27/08 AMEND: 2250 REPEAL: 2274, 2277  
08/25/08 AMEND: 1399.480, 1399.481,  
1399.482, 1399.483, 1399.484,  
1399.485, 1399.486, 1399.487,  
1399.488, 1399.489, 1399.489.1  
08/15/08 AMEND: 1361  
08/13/08 AMEND: 3394.6  
08/12/08 AMEND: 3394.4  
08/07/08 AMEND: 4161  
07/30/08 AMEND: 2649  
07/23/08 AMEND: 1399.152.2, 1399.153,  
1399.153.3  
07/18/08 AMEND: 134 REPEAL: 135  
07/09/08 ADOPT: 1984  
07/08/08 AMEND: 1399.540  
07/03/08 AMEND: 1568  
07/02/08 AMEND: 390, 390.1, 390.3, 390.4,  
390.5, 390.6 REPEAL: 390.2

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12/02/08 ADOPT: 95100, 95101, 95102, 95103,  
95104, 95105, 95106, 95107, 95108,  
95109, 95110, 95111, 95112, 95113,  
95114, 95115, 95125, 95130, 95131,  
95132, 95133  
10/30/08 AMEND: 100407, 100408  
09/24/08 AMEND: 52082, 56103, 56104, 58670  
09/18/08 ADOPT: 94800, 94801, 94802, 94803,  
94804, 94805, 94806, 94807, 94808,  
94809, 94810  
09/05/08 ADOPT: 98100 REPEAL: 96100  
08/06/08 AMEND: 94006  
07/14/08 AMEND: 57310, 57332  
07/14/08 ADOPT: 100120  
07/08/08 AMEND: 95005  
07/02/08 AMEND: 2299.1, 93118

# **Title 18**

12/01/08 AMEND: 1602.5  
11/14/08 AMEND: 1591, 1602  
09/24/08 AMEND: 1574  
09/24/08 AMEND: 1599

08/11/08	AMEND: 1807, 1828	07/09/08	ADOPT: 88054, 89318 AMEND: 80017, 83017, 83064, 83075, 84065, 84068.2, 84090, 84165, 84265, 86065, 86068.2, 86517, 88001, 88022, 88031, 88065.3, 88068.2, 88069.7, 89317, 89378, 89405
08/05/08	AMEND: 3000		
07/16/08	AMEND: 5216, 5310, 5311, 5326.4, 5326.6, 5333, 5333.4, 5333.6, 5523.4		
<b>Title 19</b>		<b>Title 22, 27</b>	
11/14/08	AMEND: 2900, 2910, 2915, 2920, 2930, 2940, 2945, 2950, 2955, 2960, 2965, 2966, 2970, 2980	07/07/08	AMEND: Title 22, 67450.11; Title 27, Div. 3, subd. 1, Chapter 4C. and Chapter 6
09/24/08	AMEND: 560	<b>Title 23</b>	
09/24/08	AMEND: 906.3	12/01/08	ADOPT: 3949.6
08/07/08	ADOPT: 1980.00, 1980.01, 1980.02, 1980.03, 1980.04, 1980.05, 1980.06, 1980.07, 1990.00, 1990.01, 1990.02, 1990.03, 1990.04, 1990.05, 1990.06, 1990.07, 1990.08, 1990.09, 1990.10, 1990.11, 1990.12, 1990.13	11/06/08	AMEND: 2200, 2200.4, 2200.5, 2200.6
		11/06/08	ADOPT: 3939.32
		11/05/08	AMEND: 1062, 1064, 1077, 3833.1
		10/22/08	ADOPT: 3989.7
		10/14/08	AMEND: 3939.19
		10/06/08	AMEND: 3939.20
		09/17/08	ADOPT: 3919.4
<b>Title 21</b>		<b>Title 25</b>	
11/26/08	AMEND: 6633.2	10/08/08	AMEND: 4000, 4002, 4004, 4010, 4017, 4020, 4024, 4025, 4030, 4032, 4033, 4034.5, 4040, 4041, 4049.1, 4049.3, 4049.5, 4049.7, 4049.9, Appendix A
<b>Title 22</b>			REPEAL: 4021, 4031.5, 4047, 4047.3, 4047.6, 4550, 4560, 4570, 4580, 4600, 4603, 4605, 4619, 4624, 4626, 4665, 4670, 4680, 4800, Appendix RV-P-1
11/24/08	AMEND: 2706-1	08/29/08	ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216
11/20/08	AMEND: 3254(i)-2	07/14/08	AMEND: 2002, 4004, 5002, 5511
11/13/08	ADOPT: 97234, 97267 AMEND: 97215, 97225, 97226, 97227, 97241, 97244, 97248	<b>Title 27</b>	
11/06/08	AMEND: 2706-2, 3302-1, 3303.1(c)-1	12/02/08	AMEND: 25805(b)
10/29/08	AMEND: 64413.1, 64414, 64431, 64432, 64432.2, 64432.8, 64433.3, 64445.1, 64447.2, 64482	09/05/08	AMEND: 25601
10/28/08	AMEND: 87102, 87105	08/08/08	AMEND: 25705(b)
10/15/08	AMEND: 2051-3	<b>Title 28</b>	
09/26/08	AMEND: 3258-1, 3267-1, 3267-2	09/15/08	ADOPT: 1300.71.39
08/07/08	AMEND: 51098.5, 51202.5, 51309.5, 51503.3	<b>Title MPP</b>	
<b>Title 22, MPP</b>		09/29/08	ADOPT: 14-611, 14-915, 14-916
07/09/08	ADOPT: 88054, 89318 AMEND: 80017, 83017, 83064, 83075, 84065, 84068.2, 84090, 84165, 84265, 86065, 86068.2, 86517, 88001, 88022, 88031, 88065.3, 88068.2, 88069.7, 89317, 89378, 89405	09/18/08	AMEND: 14-610
			AMEND: DSS MPP 63-102, 63-504